

# Inner City Press

January 31, 2023

By E-mail to Chambers

**MEMO ENDORSED**, last page.

Hon. Edgardo Ramos, United States District Judge  
Southern District of New York, 40 Foley Square, New York, NY 10007

Re: Press application to be heard / to unseal sentencing memo and exhibits in US  
v. Gilbert Armenta, 17-cr-556 (ER)

Dear Judge Ramos:

Inner City Press has been covering the above captioned criminal case and has seen the defendant's heavily redacted sentencing submission, filed on the docket on January 27, 2023. The redactions go far beyond what case law supports. Inner City Press hereby opposes the redactions and asks that they be denied, and/or that it have an opportunity to be heard on the scope of redactions and secrecy.

"Representatives of the press must be given an opportunity to be heard on the question of their exclusion from a court proceeding, and we have recognized a similar right of news media to intervene in this Court to seek unsealing of documents filed in a court proceeding." *Trump v. Deutsche Bank AG*, 940 F.2d 146, 150 (2d Cir. 2019). This Court has previously granted an e-mailed Inner City Press request to unseal, in *US v. Weigand*, 20-cr-188 (JSR), see Dkt. No. 250.

Defense counsel has redacted even from the Table of Contents (particularly under Offense Conduct); more than half of each of the first two pages of the Preliminary Statement have been redacted. Pages 31 and 32 have been redacted in their entirety. Likewise Paragraphs 32-34 of Exhibit 3, more paragraphs of Exh 4.

In my time covering sentencing proceedings in Federal courts, this is the most heavily redacted sentencing submission I've seen, and it does not implicate national security information (as in *US v. Joshua Schulte* and other cases in SDNY).

"The common law right of public access to judicial documents is firmly rooted in our nation's history." *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006).

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Please docket this challenge to the over-redaction of this sentencing memorandum, as SDNY Judges Stein, Hellerstein, Castel, Furman, Kaplan and others have done. See, e.g., <https://storage.courtlistener.com/recap/gov.uscourts.nysd.516151/gov.uscourts.nysd.516151.85.0.pdf>, Judge Stein's recent on the record decision to grant Inner City Press' motion to unredact from the sentencing submission in US v. Jen Shah, and Judge Kaplan's Jan 30, 2023 decision to unseal the bond co-signers of Sam Bankman-Fried, which Inner City Press moved for on January 3, 2023.

If appropriate, PLEASE TAKE NOTICE that Inner City Press and its undersigned reporter, in personal capacity, will move this Court before Honorable Edgardo Ramos, U.S. District Judge for the Southern District of New York, at a date and time directed by the Court, for entry of an order granting permission to be heard on sealing or unsealing of the sentencing submission in US v. Gilbert Armenta, 17-cr-556 (ER).

Please act on, and docket, this request, as soon as possible before the sentencing.

Thank you.

Respectfully submitted,

/s/

Matthew Russell Lee, Inner City Press

cc: marc.weinstein@hugheshubbard.com, christopher.dimase@usdoj.gov

A conference will be held on February 14, 2023 at 10 a.m. The government and the defendant are directed to respond by Friday, February 10, 2023.

SO ORDERED.



Edgardo Ramos, U.S.D.J.

Dated: 2/8/2023

New York, New York